

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NICOMEDES TUBAR, III,

Plaintiff,

v.

JASON CLIFT; and THE CITY OF KENT,  
WASHINGTON, a municipal corporation,

Defendants.

No. C05-1154JCC

STIPULATED MOTION FOR ENTRY  
OF PROTECTIVE ORDER  
REGARDING CERTAIN  
DOCUMENTS

**I. STIPULATION OF THE PARTIES**

COMES NOW, Plaintiff, by and through his attorneys Timothy K. Ford and Cristóbal Joshua Alex of MacDonald Hoague & Bayless, and Defendants City of Kent and Jason Clift, by and through their attorneys Steven L. Thorsrud and Mary Ann McConaughy of Keating, Bucklin & McCormack, Inc., and hereby stipulate as follows:

1. Protected documents. For the purposes of this Stipulation, “protected documents” includes documents and information produced or obtained in this litigation by the City of Kent, by Defendant Jason Clift, and by Plaintiff, including:

- a) Documents related to Jason Clift’s employment as a law enforcement officer with the City of Kent and elsewhere including pre-employment application and screening, background checks, psychological records, complaints against Clift, disciplinary records, internal investigations, personnel records, medical records, fitness for duty evaluations, and performance evaluations;

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KEATING, BUCKLIN & MCCORMACK, INC., P.S.

ATTORNEYS AT LAW  
800 FIFTH AVENUE, SUITE 4141  
SEATTLE, WASHINGTON 98104-3175  
PHONE: (206) 623-8861  
FAX: (206) 223-9423

- b) Medical records regarding Nicomedes Tubar;
- c) Financial records concerning Jason Clift; and
- d) Financial records concerning Nicomedes Tubar.

If the parties disagree whether a document is to be a “protected document” that determination shall be made by the Court or another person authorized by the Court to make the determination whether the document will be a “protected document.”

2. Use of “Protected documents.”

- a) “Protected documents,” will be used exclusively for purposes of this civil rights litigation and will not be further disseminated except upon further order of this Court.
- b) “Protected documents” shall be disclosed only to the parties and counsel in this lawsuit who have executed this Stipulation, their testimonial or consulting experts, and other witnesses where disclosure to a witness is necessary for the purposes of the lawsuit.
- c) “Protected documents” and documents containing information gained or derived from “Protected documents” shall be filed by the parties under seal in accordance with the Court’s electronic filing procedures for sealed documents.(For example, an expert report containing information from a “Protected document” shall be filed in this manner.)
- d) No party, attorney, expert or other recipient of information pursuant to this Order shall disclose any information gained or derived from the “protected documents” to any other person or entity except by stipulation of the parties or order of this Court.

3. This Order is entered without prejudice to the rights of parties to present a motion to the Court to lift or modify the restrictions of this protective order or for a separate protective order as to any document or information, including restrictions different from those specified herein.

4. Nothing in this Order shall be deemed to be a waiver of any objection to the admissibility of any protected document or information contained in any such document.

6. The City of Kent and/or current or former employees of the City of Kent, counsel for the parties or any other person to whom disclosure of records is made pursuant to this Order, shall not be liable for any criminal or civil penalties for any disclosure made pursuant to or as a result of the entry of this Order.

KEATING, BUCKLIN & McCORMACK, INC., P.S.

Steven L. Thorsrud, WSBA # 12841  
Attorney for Defendants  
Keating Bucklin & McCormack, Inc., P.S.  
800 Fifth Avenue, #4141  
(206) 623-8861  
(206) 223-9423 Facsimile  
sthorsrud@kbmlawyers.com

Cristóbal Joshua Alex, WSBA #31993  
Attorneys for Plaintiff  
MacDonald Hoague & Bayless  
705 Second Avenue, Suite 1500  
Seattle, WA 98104-1745  
(206) 622-1604  
(206) 343-3961 Facsimile  
timf@mhb.com

**II. ORDER**

IT IS SO ORDERED.

DONE IN OPEN COURT this 20th of March, 2006.

/s/ Judge James L. Robart  
UNITED STATES DISTRICT JUDGE

Presented by:

KEATING, BUCKLIN & McCORMACK, INC., P.S.

s/ Steven L. Thorsrud  
Steven L. Thorsrud, WSBA # 12841  
Attorneys for Defendants  
Keating Bucklin & McCormack, Inc., P.S.  
800 Fifth Avenue, #4141  
(206) 623-8861  
(206) 223-9423 Facsimile  
[sthorsrud@kbmlawyers.com](mailto:sthorsrud@kbmlawyers.com)

MacDONALD HOAGUE & BAYLESS

s/ Cristóbal Joshua Alex  
Cristóbal Joshua Alex, WSBA #31993  
Attorneys for Plaintiff  
MacDonald Hoague & Bayless  
705 Second Avenue, Suite 1500  
Seattle, WA 98104-1745  
(206) 622-1604  
(206) 343-3961 Facsimile  
[timf@mhb.com](mailto:timf@mhb.com)